

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHAEL KRAMM

PLAINTIFF

V.

NO. 4:08CV104-P-D

ALFONZO RICKS, JR., et al.

DEFENDANTS

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

The Plaintiff, an inmate, brings this *pro se* complaint pursuant to 42 U.S.C. § 1983. Plaintiff was afforded the opportunity to clarify and specifically state his claims at a *Spears* hearing. Since that time, the Magistrate Judge has submitted a Report dated December 17, 2008, recommending the dismissal of two Defendants.

The Report was on that date duly served by mail upon Plaintiff and Defendants at their last known addresses; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been served or filed by any party. The court is of the opinion that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court.

THEREFORE, it is hereby ORDERED that

(1) the Report and Recommendation (docket entry 19) is APPROVED and ADOPTED as the opinion of this court;

(2) Plaintiff has failed to state a claim as to Defendants Arthur Smith and James Gilliom;

(3) Defendants Arthur Smith and James Gilliom are DISMISSED with prejudice; and

(4) Plaintiff's claim shall proceed as to Defendant Alfonzo Ricks;

SO ORDERED, this the 14th day of January, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE